

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA**

DONALD ROCHON

Plaintiff,

Appellant

v.

No. 16-5177

LORETTA E. LYNCH, *in official*
capacity as U.S. Attorney General,

Defendant,

Appellee

**UNDERLYING DECISION FROM WHICH APPEAL OR PETITION
ARISES**

The underlying decision from which this appeal arises is the September 30, 2015 Order (ECF No. 49) intended for just one Title VII reprisal claim of June 30, 2010 stated in the district court's October 9, 2015 Memorandum Opinion (ECF 50).

However, only for appeal are two other additional reprisal claims mentioned in the Amended Verified Complaint (ECF No. 20) inadvertently dismissed by the district court's error. These two salient and documented reprisal claims' facts were craftily not disputed and briefed in defendant's motion to dismiss (ECF No 21), and were consequently, also not addressed in the district court's stated Opinion for its Order.

The *first* outstanding reprisal is the FBI Criminal Justice Information Services (CJIS) altered records (April 9, 2010) with protected activity on a January 5, 2010 Settlement Agreement as the *causation* of the adverse action on June 30, 2010 claim. The *second* outstanding reprisal is the FBI Human Resources Division with protected activity on August 11, 2010 for reporting FBI CJIS' altered records that caused HRD's attorney to threaten the plaintiff's legal ability to protect himself and his family from criminals as *causation* on August 12, 2010 claim. Both claims are in the Amended Verified Complaint (ECF No. 20 at ¶¶ 9,11,14,17-23, 29-44).

Lastly, the district court's abuse of discretion on May 31, 2016 Minute Order (ECF No. 54) denying a Rule 59(e) reconsideration to proceed with the August 12, 2010 claim (ECF No. 51). This was a clear error of law and a manifest injustice that were directly based on confirmed multiple destruction of crucial evidence by FBI employees to interfere with the successful outcome of the August 12, 2010 claim. Concealing these crimes in Title 18 U.S.C. §1519 were the FBI's bad faith motives to not briefed the salient August 12, 2010 facts in its motion to dismiss.

Dated: July 19, 2016

Respectfully submitted,
/s/ Donald Rochon
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CERTIFICATE OF SERVICE

I hereby certify that on July 19, 2016, I electronically filed the foregoing underlying decision from which appeal arises with the Clerk of the Court for the United States Court of Appeals for the District of Columbia by using the CM/ECF system. Counsel for the appellee is a registered CM/ECF user and is being served by the CM/ECF system.

/s/ Donald Rochon

Donald Rochon, Pro Se